

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ELMER CAMPBELL, *et al.*,

Plaintiffs,

v.

INTERNATIONAL PAPER,
SUN CAPITAL PARTNERS, INC.,
SMART PAPERS, LLC

Defendants.

CIVIL ACTION NO. C-1-01-527

JUDGE: BECKWITH
MAGISTRATE JUDGE: HOGAN

MOTION FOR SUMMARY JUDGMENT
BY DEFENDANT SUN CAPITAL PARTNERS, INC.

Defendant, Sun Capital Partners, Inc. ("Sun Capital Partners"), pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 7.2, hereby moves this Court for summary judgment in its favor on Plaintiffs' Fifth Amended Complaint in its entirety. As shown in greater detail in Sun Capital Partners' accompanying Memorandum of Law, there are no genuine issues of material fact to warrant a trial by jury and judgment therefore should be granted to Sun Capital Partners as a matter of law.

Respectfully Submitted,



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Dated: September 30, 2003